

Pamela J. Stokes
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JAN 29 2019

Clerk, U.S. Courts
District of Montana
Missoula Division

**UNITED STATES DISTRICT COURT
MISSOULA DISTRICT OF MONTANA**

LSF 8 MASTER PARTICIPATION TRUST	)	Case No.
PLAINTIFF)	
	)	Lake County District Court
VS.	)	Case No. DV-18-263
)	
JOHN P. STOKES AND PAMELA J.	)	ANSWER, AFFIRMATIVE DEFENSE
STOKES AND)	
PERSON IN POSSESSION	)	COUNTER CLAIMS
DEFENDANTS / CROSS)	
PLAINTIFFS	)	VIOLATIONS OF 18 U.S. CODE §
	)	1964 CIVIL RICO,
VS.	)	18 U.S.C. 152 (4) FRAUDULENT
	)	MORTGAGE ASSIGNMENT AND FRAUD
LSF 8 MASTER PARTICIPATION TRUST	)	UPON THE COURT
(LSF 8)	)	VIOLATION OF 18 USC 362 (A)
MACKOFF KELLOGG LAW FIRM, JASON	)	VIOLATION OF AUTOMATIC STAY
HENDERSON,	)	11 USC 362 (H) (K) REMOVING ASSETS
DANICK TREMBLAY, ANDRE COLLIN,	)	FROM THE ESTATE WITHOUT LEAVE
JOHN GRAYKEN, WILLIAM YOUNG,	)	OF THE BANKRUPTCY COURT
DANIELE COFFMAN, JOHN AND JANE	)	THE EQUAL PROTECTION CLAUSE OF
DOES 1-5	)	THE FOURTEENTH AMENDMENT TO
	)	THE UNITED STATES CONSTITUTION.
CROSS DEFENDANTS	)	BANKRUPTCY FRAUD
	)	FELONY PERJURY IN FEDERAL COURT
	)	PROCEEDINGS
	)	WRONGFUL AND FRAUDULENT
	)	FORECLOSURE
	)	ATTORNEY DECEIT UPON THE COURT

Defendant Pamela J. Stokes hereby answers and affirmatively defends and alleges as follows;

All answers and counter Claims of John P. Stokes together with all exhibits that are attached, filed in state of Federal Court or part of the public records are hereby incorporated as if fully attached here in and all parties have actual knowledge of same.

As to Plaintiffs allegation #1. Deny. Plaintiff LSF 8 was not the purchaser on August 18, 2016. The deed recorded is fraudulent and fabricated. LSF 8 Had no interest whatsoever on that date.

As to Plaintiffs allegation #2 Deny. Plaintiff has never been entitled to any possession. The Claim allegedly held by LSF8 was disallowed numerous times in Federal Bankruptcy Court. LSF8 Surrendered all fraudulently held interest on or before 02/12/2015, 18 months before wrongful and fraudulent foreclosure

As to Plaintiffs allegation #3 Deny. The Promissory Note, was disallowed and discharged, together with lien. The Court sold the property free and clear under 11 USC 363 (f) sale, free of all liens to Pamela Stokes, who at all times since owned the property free and clear per order of the court.

As to Plaintiffs allegation #4. Deny. The Trustee Sale is void in all respects, and obtained by fraud, LSF 8 has admitted so no less than three times. Public Record confirms the Trustee Sale is void in all respects, and has never been disputed by LSF 8. The Stokes have owned and possessed property since 1994 and have at all times remained in their owned home.

As to Plaintiffs allegation #5. Deny. The Stokes are owners in fee. LSF 8 has fraudulently conducted a Trustee Sale, engaged in wrongful foreclosure, fabricating and forged documents. At

all times with actual knowledge. LSF 8 has clouded the title and has engaged in fraud and extortion against the Stokes.

As to Plaintiffs allegation #6. Deny. At no time has LSF 8 had any legal interest in said property and certainly had no standing to serve any documents. LSF 8 Abandoned any alleged interest in had on 02/12/2015.

As to Plaintiffs allegation #7. Deny. Stokes own the property in fee simple and needs no permission from individuals committing mortgage fraud and wrongful foreclosure to reside in said property bought from the Bankruptcy Court free and clear of all liens. The allegation is a deception upon the Court.

As to Plaintiffs allegation # 8. Deny. Plaintiffs served papers in an attempt to extort money and property from the Stokes based upon forged and fabricated documents and fraudulent Trustee Sale that has been admitted to being void in all respects. The exhibits of Plaintiff only confirm the fraud.

As to Plaintiffs allegation #9 Deny.

As to Plaintiffs allegation # 10. Deny State Court has jurisdiction. Plaintiff at all times requested this matter come before the federal Courts as State Court has no jurisdiction over the federal issues of ANSWER, AFFIRMATIVE DEFENSE, COUNTER CLAIMS:

VIOLATIONS OF 18 U.S. CODE § 1964 CIVIL RICO,

18 U.S.C. 152 (4) FRAUDULENT MORTGAGE ASSIGNMENT AND FRAUD UPON THE COURT.VIOLATION OF 18 USC 362 (A) VIOLATION OF AUTOMATIC STAY

11 USC 362 (H) (K) REMOVING ASSETS FROM THE ESTATE WITHOUT LEAVE OF THE BANKRUPTCY COURT.THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

BANKRUPTCY FRAUD.FELONY PERJURY IN FEDERAL COURT PROCEEDINGS

WRONGFUL AND FRAUDULENT FORECLOSURE. ATTORNEY DECEIT UPON THE COURT, and diversity citizenship. This court is the only court with subject matter jurisdiction.

Plaintiff take nothing and is entitled to Nothing in it's request for judgment and relief.

Defendant Cross Plaintiff and States as follows.

Count Number One.

LSF 8, Together with Jason Henderson, Mackoff Kellogg law offices, Danick Tremblay, Andre Collins, John Grayken, William Young, and Danielle Coffman of Crowley Fleck conspired together and conducted an unlawful and wrongful foreclosure on 12997 Raven Way, Bigfork, Montana 59911 on August 18, 2016. At all times, the above parties had actual knowledge of the four forged and fabricated assignment of mortgage. LSF 8 gave up any fraudulent claimed interest on 02/15/2015. Each were involved in attempts to extort money and or property from the Stokes, and have used the US Mail services, wire fraud, electronic communication, newspapers, physical threats of removal. All for profit for the enterprise. LSF 8 has a pattern of false assignments for foreclosure. The above named all committed Civil RICO under VIOLATIONS OF 18 U.S. CODE § 1964 CIVIL RICO,

Count Two

LSF 8 together with their predecessors, HSBC, HFC II, HFC III, acting through their attorney Jason Henderson submitted four separate forged assignments of Note to federal Bankruptcy Court as Proof of Claims and violated 18 U.S.C. 152 (4) FRAUDULENT MORTGAGE ASSIGNMENT AND FRAUD UPON THE COURT. HSBC was the parent company of HFC II and HFC III. HSBC closed them in 2009 for Mortgage Fraud.

Count Three.

ON May 16, 2016, The Court entered Defaults against LSF 8 and other defendants for failing to answer and thus admitting the complaint. The Defaults were valued at \$4,600,000.00

On July 15, 2016 John Stokes filed for Chapter 13, bankruptcy protection. All parties including the court were notified on July 15, 2016. The defaults then became property of the estates of John Stokes and Pamela Stokes.

On July 26, 2016 LSF 8, First American Title Company and US Bank NA as Trustee had ex-parte contact with the court. The Court then issued an Order to appear and set hearing for August 10, 2016 in state Court in violation of 11 USC 362 (a) automatic stay. The purpose of the hearing was to dismiss the Defaults, property of the estates, against LSF 8 and others. LSF 8 and no other did not seek relief from the automatic stay. All actions in state Court after the filing of the petition on July 15, are void ad initio.

Count Four

Plaintiffs Cross Defendants have Wrongfully and falsely made statements to Montana Supreme Court in effort to have Stokes declared a Vexatious Litigant.

Stokes v. First American Title Co. of Montana, Inc. :: 2017. Stokes has only sued one party since 2012, LSF 8 in Lake County DV-14-223. Stokes was represented by counsel. Stokes obtained defaults against LSF 8 and others for approximately \$4,600,000.00. The Plaintiffs stated to the court, there were unaware of the Bankruptcy of John Stokes when they made their appearance and pleadings to dismiss the Defaults in DV-14-223. A complete falsehood. They obtained relief and had Stokes declared a Vexatious litigant. Stokes has only been defending against the RICO

enterprise of LSF 8. Here, LSF 8 sued Stokes. A Defendant cannot be a Vexatious litigant. Stokes has now been deprived of his 14th Amendment Rights of Equal Access to the Courts. Through their various counsels LSF 8 has sought to ban and strike their fraudulent assignments, which they and their predecessors submitted to Federal Court, and previous admissions, concealing their criminal activities and deprive Stokes of Property, valued at \$1,446,000.00 for their own gain.

Count Five

LSF 8, through their attorney(s) and predecessors have submitted four fabricated and forged assignments of note as Proof of Claims. Submitting false mortgage assignments is /and fraud upon the court Sustains Civil and Criminal RICO. The scheme at all times used the US Mail, and were intended to be relied upon by the parties and the Court. Further filing is a violation of 851 False Claims, 18 USC 152(4). All elements of the statute have been met. .

Count Six

LSF 8 conducted a Wrongful Fraudulent Foreclosure on 12887 Raven Way, Bigfork, Montana, 59911, with the aid of Jason Henderson, Mackoff Kellogg, Danielle Coffman ~ Crowley Fleck attorneys, on August 18, 2016. At all times LSF 8 and their attorneys and agents had actual knowledge of the forged fabricated assignments. At all times LSF 8 their attorneys and agents knew LSF 8 had no interest in said note and assigned note back to HFC II on 02/15/2015. A document LSF 8 is now attempting to strike. However it is part of the Federal Record, and admitted to.

HFC II had no interest to assign to LSF 8. Per POC submitted by Jason Henderson Note was assigned to HFC III. HFC III has made no assignments to anyone. The note HFC II assigned to

LSF 8 on September 19, 2013, was the same disallowed "Blank" note HSBC used in BK # 09-60265. HFC II went out of business in 2009.

Count Seven

Any attorney who is guilty of any deceit or collusion or consents to any deceit collusion with intent to deceive the court or a party forfeits to the party injured by the deceit or collusion treble damages. The attorney is also guilty of a misdemeanor. Treble damages are mandatory under M.C.A. 37-61-406. The Stokes have suffered actual damages of \$1,446,000.00 the actual value of the residence, LSF 8 is wrongfully trying to evict through their fraudulent foreclosure and now possession. Jason Henderson has admitted to the deception in BK # 18-60681 filed September 5, 2018, Attorney Deception upon the Court. Danielle Coffman apparently now co-counsel, has at all times known of the false and forged documents and now appears herein. By also failing to inform the court, it would appear they have also committed misjoinder of felony.

Prayer For Relief

As to Count One: To award in favor of Stokes's actual damages of \$1,446,000. Together with Mandatory Treble Damages under Civil RICO of \$4,338,000.00. For a total of \$5,784,000.00

As to Count Two: To award in favor of Stokes's actual damages of \$1,446,000.00 per each occurrence of False Mortgage assignments and fraud upon the court 18 USC 152(4) Four forged and fabricated proof of Claims total \$5,784,000.00. To quiet title in favor of Stokes.

As to count Three: To award in favor of Stokes's actual damages of \$4,600,000.00 to each of the Stokes estate for knowingly violating 11 USC 362 (a) and removing \$4,600,000.00 from each estate without leave of the court. For an award of actual damages and punitive

damages under 11 USC 362 (k). For a total of \$9,200,000.00 plus punitive damages as determined by a jury.

As to Count Four: To award in favor of Stokes's actual damages of \$1,446,000.00, plus an amount of punitive damages as determined by a jury.

As to Count Five: To award in favor of Stokes's actual damages caused by the RICO Defendants, of \$1,446,000.00 per each occurrence of 851 False Claims 18 USC 152(4).

Four times total \$5,784,000.00

As to Count Six: Wrongful and fraudulent foreclosure. To award in favor of Stokes's actual damages of \$1,446,000.00 Plus punitive damages of \$10,000,000.00 for emotional and physical distress, slander and embarrassment and humiliation in the community.

As to Count Seven: To award Treble damages in favor of Stokes for attorney willful, collusion, deceit and participation in fraud upon the court under M.C.A. 37-61-406 for \$4,338,000.00 against Jason Henderson and Mackoff Kellogg law firm. And an equal amount against Jane Doe Number one to be named later.

As such further relief as the court deems just.

Respectfully Submitted

January 25, 2019

A handwritten signature in cursive script that reads "Pamela J. Stokes". The signature is written in dark ink and is positioned above the printed name.

Pamela J. Stokes

Certificate of Service

On January 25, 2019, I placed in US Mail at Bigfork, Montana, Pamela Stokes Answer, Affirmative Defense and counter Claims addressed to the following:


Clerk of The US District Court, Russell Smith Federal Courthouse, 201 E. Broadway, Missoula, MT 59802

Jason Henderson 38 Second Ave E. Dickson, North Dakota, 58601

Daniele Coffman P.O. Box 759, Kalispell, Montana 59903

A handwritten signature in blue ink, appearing to read 'John Stokes', with a large loop at the end of the last name.

John Stokes

A handwritten signature in blue ink, appearing to read 'Pamela Stokes', with a large loop at the end of the last name.